

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 47454+47522	FOR FURTHER ACTION	
	See Form PCT/IPEA/416	
International application No. PCT/AT2004/000652	International filing date (day/month/year) 25.11.2004	Priority date (day/month/year) 05.12.2003
International Patent Classification (IPC) or national classification and IPC B65H19/26, B65H19/22		
Applicant FABIO PERINI S.P.A. et al.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. (*sent to the applicant and to the International Bureau*) a total of 6 sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand 23.09.2005	Date of completion of this report 28.11.2005
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Fachin, F Telephone No. +49 89 2399-2057



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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-23 as originally filed

Claims, Numbers

1-56 received on 23.09.2005 with letter of 14.09.2005

Drawings, Sheets

1/13-13/13 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
- 3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
- 4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-56
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-56
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-56
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

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SECTION V : CITATIONS AND EXPLANATIONS

1. The invention relates to a rewinding machine (claim 1) and to a method for the production of logs of wound web material (claim 40) wherein mechanical members are removed from the area below the rolling surface so that the structure of the core rolling surface can be simplified or, by means of nozzles positioned above and below the core channel, the first turn of web can be wrapped around a new core without the need of glue (cf. page 4, lines 10 to 15 of the description).

The posed problem is solved by associating an interruption member with a feed member **on the side of the feed path opposite to the rolling surface**, said interruption member being **positioned at least partly on the opposite side of the feed member with respect to the channel** formed by the rolling surface and the feed member.

2. Since every one of the documents cited in the Search Report and in the description fails in disclosing **at least** the above-mentioned features, independent claims 1 and 40 as well as their dependent claims are considered to fulfil the criterion set forth in Article 33(2) PCT (novelty).
3. Furthermore the invention, as disclosed in independent claims 1 and 40 and in their dependent claims, is considered not to be obvious to a person skilled in the art.

Document US 2003/0189123 (D1), which is considered to represent the closest prior art, describes a similar apparatus wherein the interruption member is positioned under the rolling surface and **precisely** severs the web downstream of the core insertion region without the need of accelerating one of the winding rollers and without having to hold the web material on the winder roller.

D1 describes a solution providing for advantages which are different from those mentioned in the present application and moreover it does not address the problem solved in the present application.

Since the position of the interruption member in D1 should be avoided to achieve the advantages of the present application, no hint can be found therein obviously leading a person skilled in the art to a solution according to claims 1 and 40.

Document WO-A-0172620, cited in the description describes a machine similar to that of D1: the same considerations made for D1 can be applied to the content of this

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document.

Also the other documents cited in the description and in the Search Report describe similar machines having either the same position of the interruption member of D1 or other interruption means even more different from that of the present application, independent claims 1 and 40 and their dependent claims are considered to fulfil the criterion set forth in Article 33(3) PCT (inventive step).

4. Finally, since it appears that the claimed invention can be made or used in a technological sense in industry, it is considered to show industrial applicability within the meaning of Article 33(4) PCT.

SECTION VII: DEFECTS IN THE INTERNATIONAL APPLICATION

5. The requirements of Article 6 PCT are not met because the description is not in conformity with the claims presently on file.